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No. 337, 338 and 339.

Motion to advance.

SUPREME COURT U. S.
FILED
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JAMES H. McKENNEY,
Clerk.

Filed Nov. 6, 1899.

In the Supreme Court of the United States.

OCTOBER TERM, 1899.

THE UNITED STATES, APPELLANT,
v.
THE CHOCTAW NATION AND THE CHICKASAW NATION. } No. 337.

THE WICHITA AND AFFILIATED BANDS OF INDIANS, appellants,
v.
THE CHOCTAW NATION AND THE CHICKASAW NATION and the UNITED STATES. } No. 338.

THE CHOCTAW NATION AND THE CHICKASAW NATION, appellants,
v.
THE UNITED STATES AND THE WICHITA and affiliated bands of Indians. } No. 339.

MOTION TO ADVANCE.

JOHN K. RICHARDS,
Solicitor-General.

11420

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MOTION TO ADVANCE.

Now comes the Solicitor-General, in behalf of the United States, and moves the court to advance the above-entitled causes upon the docket, and to set them down for hearing at as early a date in the present term as may

suit the convenience of the court, for the following reasons:

(1) The above appeals have been taken from a decree of the Court of Claims entered on March 21, 1899, in a suit in equity brought under the act of March 2, 1895 (28 Stats., 876, 898), wherein the Choctaw Nation and the Chickasaw Nation were claimants, and the United States and the Wichita and Affiliated Bands of Indians were defendants. The object of this suit was to settle the respective rights of three parties, viz, the claimants, the United States, and the defendant Indians, in a tract of 743,610 acres in the Indian Territory known as the Wichita Reservation. By the agreement of June 4, 1891, between the United States and the defendant Indians, a portion of this reservation is to be allotted among the defendant Indians in severalty, but the disposition of the balance of the reservation is not provided for in this agreement, and depends upon the ultimate decision of these appeals. Moreover, the Choctaws and Chickasaws having laid claim to the entire reservation, no allotment of any of the land can be made until these appeals are finally decided.

(2) By the act of June 28, 1898, § 28 (30 Stats., 495, 513), it is provided that "the final decision of the courts of the United States in the case of the *Choctaw Nation and the Chickasaw Nation* v. *United States and the Wichita and Affiliated Bands of Indians*, now pending, when made, shall be conclusive as the basis of the settlement as between the United States and said Choctaw and Chickasaw nations for the remaining lands in what is

known as the 'leased district,'" viz., the Kiowa, Comanche and Apache Reservation of 2,968,839 acres, and the district known as Greer County, containing 1,511,958 acres. It is desired to allot a portion of the Kiowa, Comanche and Apache Reservation among the Indians now living thereon in severalty as soon as possible, and also to dispose of any unallotted balance of said reservation, as well as of the district known as Greer County, but none of these things can be done until the above appeals are decided.

(3) The present uncertainty as to the title of the three tracts of land above mentioned, aggregating 5,224,461 acres, prevents the United States from making any final disposition of them, thereby seriously interfering with the prosperity of a large number of Indians who are kept on their old reservations without any permanent individual ownership in the lands that they occupy, and consequently without those inducements to industry and progress which are furnished by the system of allotments of land in severalty—the system which the Government is trying, wherever practicable, to substitute for the old reservation system.

(4) In view of the serious injury which a delay in the hearing of these causes must have upon the Indians living on the land in controversy, the jurisdictional act of March 2, 1895, has provided that the Court of Claims and this court "shall give such causes precedence." (28 Stats., 898.) Owing to the magnitude of the interests involved and the somewhat complicated nature of the case, much time has already been spent in

preparing for the argument in the court below and in the consideration of the case by that court. While unavoidable, this delay has been a very serious one to the Indians living on the lands in controversy, and it is earnestly hoped that this court may find itself in a position to hear the above appeals at an early date.

JOHN K. RICHARDS,
Solicitor-General.

We concur in the above motion.

J. M. VALE,
ANDREW A. LIPSCOMB,
Attorneys for the Wichita and Affiliated Bands.